



STAFF REPORT

FUNCTION: Committee of Adjustment

CHAIR: Cindy Tremblay

DATE: May 30, 2019

REPORT NO.: **PL-2019-42**
Minor Variance Application A.13/2019
590 Taylor Drive

RECOMMENDATION:

The Planning and Building Services Department supports the approval of Minor Variance Application A.13/2019 respecting 590 Taylor Drive for the following Variance:

- To increase the Maximum Allowable Additional Deck Coverage from 4% to 8.8% to permit the construction of a 45 square metre rear yard deck

Subject to the following condition:

1. That a Building Permit be obtained within one (1) year.

BACKGROUND:

Site and Surrounding Area

The Town received an application for a Minor Variance on May 29, 2019, for the property known as 590 Taylor Drive. The subject property is legally described as Lot 40 on Plan 51M-971 (See Attachment #1 – Location Map).

The property has a frontage of 15.25 metres, a depth of 33.50 metres, and a lot area of 511 square metres (0.126 acres). Currently, there is a one-storey Single Detached Dwelling on the property, as well as an existing deck affixed to the rear of the Dwelling that is 14.9 square metres in area, and a landing attached to the front of the house that is 2.4 square metres in area. The current lot coverage including all existing structures is 34.7%.

The applicant is proposing to enlarge the current rear yard deck that will result in a total deck area of 45 square metres.

Surrounding Land Uses:

North: Residential
South: Residential
East: Residential
West: Residential

Proposed Development and Application Request

The Applicant is proposing to enlarge their current deck that is attached to the rear of the dwelling. The enlarged deck is proposed to be 12.8 metres by 3.5 metres with an area of 45 square metres. The Applicant requests a Variance to the maximum allowable additional Lot Coverage for decks and porches from 4% to 8.8% to accommodate the proposed enlargement of the existing deck. The proposed enlargement of the existing deck is shown on Attachment #2.

Provincial Policy Statement (PPS 2014) and Growth Plan

Section 3 of the *Planning Act* states that all planning applications must be consistent with the Provincial Policy Statement. The Provincial Policy Statement contains a number of policies supporting redevelopment and intensification in fully serviced settlement areas. Section 14(1) of the *Places to Grow Act, 2005* requires that all decisions under the *Planning Act* shall conform to the Growth Plan for the Greater Golden Horseshoe (GGH) area. Generally, the Growth Plan directs growth to built-up areas within communities and promotes the creation of more compact, mixed-use and complete communities.

County of Simcoe Official Plan

The Town of Midland is designated “SETTLEMENT AREA” in the County’s Official Plan. The County Official Plan generally directs development to settlement areas where more compact development on full services is encouraged.

Town of Midland Official Plan

The property is designated as **RESIDENTIAL DISTRICT** in the Town of Midland’s Official Plan. The objectives of the designation stated in Section 3.3.1 a) are to create, maintain and enhance residential areas, which foster a sense of neighbourhood, character and belonging and to protect these areas from inappropriate development.

Town of Midland Zoning By-law 2004-90, as amended

The subject property is zoned **Residential Zone – R2**, in the Town's Zoning By-law 2004-90, as amended. The permitted uses of the R2 Zone include Accessory Building, Detached Dwelling Unit, Home Occupation, Public Use, and Secondary Suite. Decks are permitted in the zone provided they comply with the relevant zone provisions. The Maximum Lot Coverage is 33% or 168.3 square metres for all buildings and structures.

Section 3.14 of the Zoning By-law sets out the performance standards for decks. Decks are permitted to encroach into the required rear yard by 3.05 m and must be setback a minimum of 1.22m from the interior side lot line. The proposed enlargement complies with the rear yard and side yard requirements set out in the Zoning By-law. Section 3.14.6 allows for an additional lot coverage of 4% for decks and porches, bringing the total allowable lot coverage to 37% or 188.7 square metres. The existing landing together with the enlargement of the existing deck will result in a total coverage of 8.8%.

Departmental and Agency Comments

June 6, 2019 - Director of Engineering, Water and Wastewater

1. The construction of the deck should not interfere with the drainage and lot grading of the rear yard.

June 7, 2019 - Director of Operations, Parks and Facilities

1. No issues.

ANALYSIS:

The Applicant is seeking permission to enlarge the existing deck at the rear of the dwelling. The proposed decking on the subject property will have a total footprint of 47.4 square metres. The proposed enlargement will comply with all other provisions of the Zoning By-Law.

The owner of the lot would like to have more of their rear yard outdoor amenity space to be in the form of decking, rather than patio or grass. This additional decking will allow the owners to enjoy their property. There is no foreseeable negative impact on the neighbourhood with the proposed decking, particularly since the property currently backs onto undeveloped, vacant lands.

As smaller lots are being developed to promote compact urban form, it is common that additional lot coverage will be requested. The allowable lot coverage, with decks and porches, is 37% and the owner would like to have a maximum lot coverage of 41.8% which is a reasonable amount of coverage for an urban lot in Midland.

The requested Variance is minor in nature and maintains the general intent and purpose of the Official Plan and Zoning By-law. The proposed decking is a desirable and appropriate use. In addition, the enlargement of the existing deck would not appear to cause an adverse impact on the surrounding properties.

CONCLUSIONS:

Based on a review of the Variance Application A.13/2019, it is the opinion of Planning and Building Services Department that the Application satisfies the four tests for Minor Variances as set out in Section 45 of the *Planning Act*. Therefore, Planning and Building Services are supportive of the application, subject to the following Condition:

1. That a Building Permit be obtained within one (1) year.

FINANCIAL IMPACT:

There are no financial impacts as a result of this application.

Prepared by: Riley Anderson, Student Planner

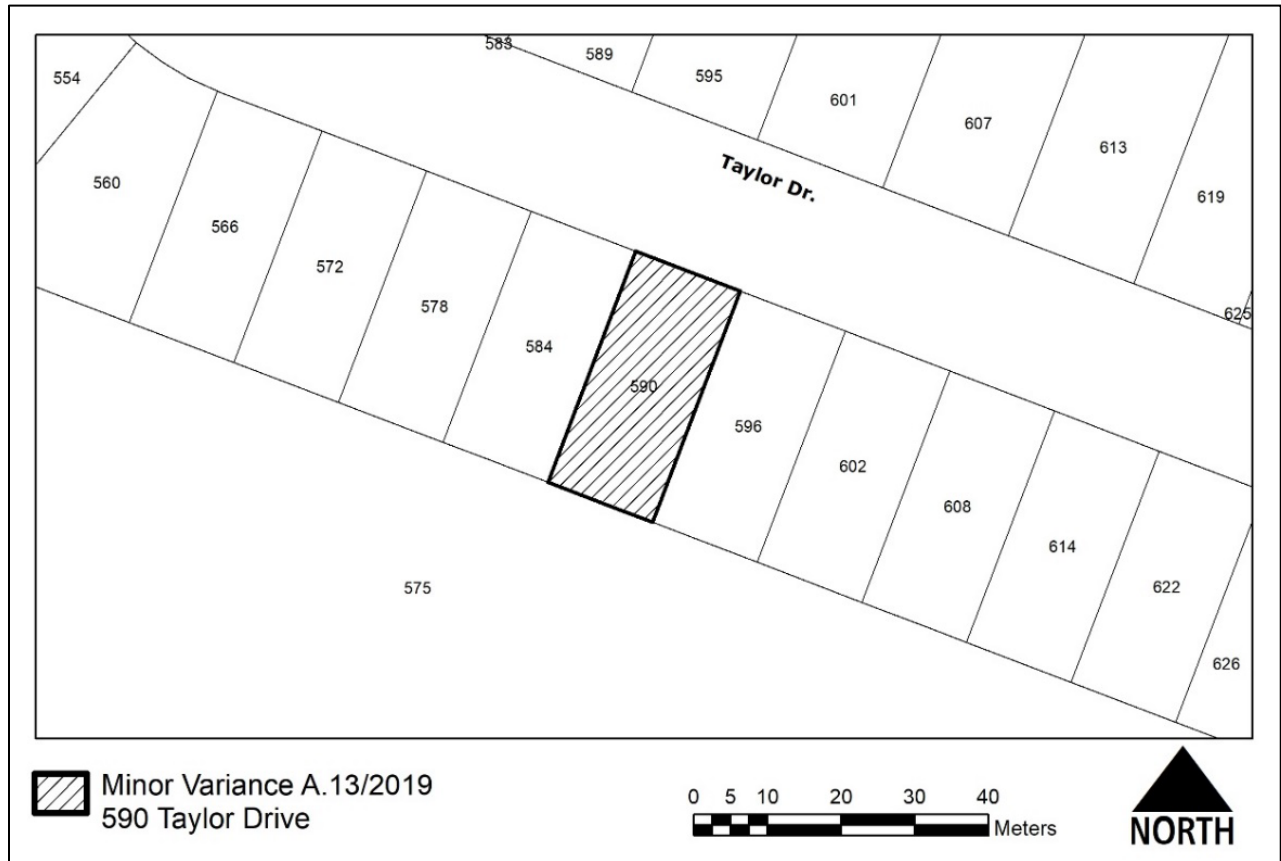
Reviewed by: Angela Zhao, MCIP, RPP

Attachments:

#1 Location Map

#2 Site Plan

Attachment #1: Location Map



Attachment #2: Site Plan

